

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eighth Judicial District Court, County of Cascade

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-304
-vs-)	
)	DECISION
BRANDON LEANDREW FONDREN,)	
)	
Defendant.)	

On March 11, 2016, the District Court sentenced the Defendant for Count I: Arson, a felony, in violation of §45-6-103(1)(b), MCA to the Montana State Prison for a period of twenty (20) years with ten (10) years suspended. For Count IX: Theft, a felony, in violation of §45-6-301, MCA the Court sentenced the Defendant to the Montana State Prison for a period of five (5) years with all time suspended to run concurrent with Count I. The Defendant was ordered to pay restitution in the amount of \$58,391.45 with co-defendant as follows: \$5,037.91 payable to State Farm, \$2,556.17 payable to City of Great Falls, \$5,000 payable to Holiday West Rentals, and \$45,797.37 payable to Farmers Union Insurance. The Defendant was given credit for 296 days of time served.

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Great Falls Regional Prison and was represented by Nicole Gilbert, third year law student working under the supervision of Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4th day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
Brandon Leandrew Fondren #3018245, Defendant (2)
Hon. John Kutzman
Brent Getty, Defense Counsel
Jennifer Quick, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division